
Environment Committee

HB 1785

Brief Description: Phasing out the use of copper-based antifouling paints.

Sponsors: Representatives Upthegrove and Hudgins.

Brief Summary of Bill

- Prohibits the sale of new recreational water vessels with antifouling paint containing copper beginning on January 1, 2017.
- Prohibits the sale of new or used recreational water vessels with antifouling paint containing copper beginning on January 1, 2027.
- Requires the Department of Ecology to establish the antifouling paint review panel.

Hearing Date: 2/15/11

Staff: Courtney Barnes (786-7194).

Background:

Metal-based antifouling paints are designed to control the growth of organisms such as algae and barnacles on boats. This growth, known as fouling, creates friction that can decrease a boat's speed and fuel efficiency. Most bottom paints contain a copper biocide. Copper-based antifouling paints are designed to leach copper slowly into the water immediately surrounding a boat's hull.

Paint stripping and painting activities are potential sources of pollution from boatyards. Under the Clean Water Act, National Pollutant Discharge Elimination System permits that are issued to boatyards by the Department of Ecology (DOE) contain effluent limitations that restrict the volume and concentration of heavy metals and other pollutants that are discharged, including copper.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Beginning January 1, 2017, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale any new recreational water vessel with antifouling paint containing copper. A recreational water vessel is a watercraft intended for use on the water for recreational purposes that is 65 feet in length or less and includes chartered recreational watercraft.

Beginning January 1, 2027, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale any new or used recreational water vessel with antifouling paint containing copper.

Penalties.

The DOE is required to issue one warning letter to a manufacturer, wholesaler, retailer, or distributor that sells or offers for sale a recreational water vessel with antifouling paint in violation of the bill. Once a warning letter has been issued, the DOE is not required to provide warning letters for subsequent violations by that manufacturer, wholesaler, retailer, or distributor. The DOE may collect a civil penalty of up to \$10,000 per violation.

A recreational water vessel manufacturer, wholesaler, retailer, or distributor that sells a recreational water vessel with antifouling paint in violation of the bill must notify the registered owner of the recreational water vessel, if any, and must replace the non-compliant antifouling paint with an alternative antifouling paint. The DOE may issue civil penalties of up to \$100,000 for failing to notify the registered owner. All penalties collected by the DOE must be deposited in the State Toxics Control Account.

Antifouling Paint Review Panel.

On January 1, 2017, the DOE must establish the antifouling paint review panel. The DOE may determine the membership of the antifouling paint review panel. The antifouling paint review panel must review available scientific studies and other relevant information to determine how antifouling paints and alternative antifouling paints are affecting marine organisms and water quality. The DOE must report its findings to the Legislature by December 31, 2017.

Appropriation: None.

Fiscal Note: Requested on 2/11/11.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.